

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yasushi YAMADE

Application No.: 10/073,150

Confirmation No.: 5457

Filed: February 13, 2002

Art Unit: 2153

For: DATA TRANSMISSION DEVICE, METHOD
AND PROGRAM FOR PROVIDING A
UNIFIED TRANSMISSION METHOD IN
MULTI-DESTINATION DELIVERY (as
amended)

Examiner: Aaron N. Strange

APPELLANT'S REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I. INTRODUCTION

Pursuant to 37 C.F.R. § 1.193(b), Appellant submits this reply in response to the Examiner's Answer.

II. ARGUMENT

Ramaley fails to teach or suggest determining whether or not the destinations include those for which the first transmission mode as well as those for which the second transmission mode are designated during multi-destination delivery in which multiple destinations are designated.

In response to Appellant's arguments that the Examiner has mischaracterized what is taught by Ramaley, the Examiner states that "Ramaley does teach multi-destination delivery, and also teaches replacing a first mode of transmission (sending a file as an attachment) with a third mode of transmission (transmitting a link to file's location in shared storage) when a file is sent to multiple destinations using different transmission modes.

More specifically, the Examiner considers that a user saving the file in a shared drive, such as an FTP server, corresponds to the claimed second transmission mode in which a file is sent to a file transfer server. The Examiner also considers that a user sending the file to a recipient as an e-mail attachment corresponds to the claimed first transmission mode in which a file is sent attached to an e-mail message. The Examiner asserts that if the file is saved to a shared location, the system will, by default, send the file as a link rather than as an attachment, which corresponds to the claimed third transmission mode in which a file is sent to the file transfer server and an e-mail message having a text string including address information of the file transfer server is sent. The Examiner further asserts that a file will be sent as an attachment unless it is also saved in a shared location, and will, by default, be sent as a link when the file is also saved in a shared location, and therefore Ramaley teaches multi-destination delivery.

It is clear from the Examiner's arguments, as discussed above, that the Examiner considers that a user saving a file in a server is one destination of a multi-destination delivery. However, the Examiner has completely ignored other limitations of the claim.

Ramaley fails to teach or suggest "determining whether or not the destinations include those for which the first transmission mode as well as those for which the second transmission mode are designated during multi-destination delivery in which multiple destinations are designated." This is because Ramaley never designates what the Examiner considers to be the second transmission mode. In other words, the user saving a file in a server is not something that is designated by the Ramaley's system. Appellant recognizes that Ramaley determines whether a file is saved to decide how to send the data, but Ramaley is totally silent with regard to whether it designates that the user save the file to a server.

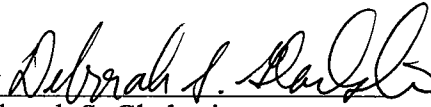
Thus, if the Examiner considers that the user saving the file in a server corresponds to the claimed second transmission mode, Ramaley naturally fails to teach or suggest the claimed transmission judging means. Since Kakimoto also fails to teach or suggest this feature, this rejection should be reversed.

III. CONCLUSION

For the foregoing reasons, Appellant respectfully submits that the points raised in the Examiner's Answer do not overcome Appellant's Appeal Brief. Therefore, Appellant respectfully requests that this Board reverse the rejection imposed by the Patent Office.

Dated: January 17, 2008

Respectfully submitted,

By 
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